CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 15, 2009

INVOCATION:
Pastor Roger Wheeler from Santa Maria Foursquare Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino.

MEMBERS ABSENT
Councilmember Orach

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Community Development Director Appel, Fire Chief Ortiz, Utilities Engineer Kahn, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Snodgrass, Director of Recreation and Parks Posada, Police Chief Macagni, City Librarian Buchanan, Fire Battalion Chief Jones, and Chief Deputy City Clerk Perez.

RESOLUTION RECOGNIZING FRANK ORTIZ
Mayor Lavagnino read Resolution No. 2009-128 recognizing and commending Frank Ortiz upon his retirement as Fire Chief for the Santa Maria Fire Department after more than 12 years of dedicated service and commitment to the City of Santa Maria and the Santa Maria community and wishing him the best in his future endeavors.

Resolution No. 2009-128 was adopted honoring Frank Ortiz on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-128 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA RECOGNIZING AND COMMENDING FIRE CHIEF FRANK ORTIZ.

Chief Ortiz thanked the City Council. He said Santa Maria was a very caring and friendly community. The firefighters were dedicated and hardworking people. The Fire Department currently had 51 employees. He hired 28 of those employees and promoted 23 employees. He was leaving the Fire Department in good hands with an energetic staff who looked forward to the future growth of the department. He thanked City Manager Ness for giving him the opportunity and supporting him over the years.

City Manager Ness stated he wanted to include his congratulations to Chief Ortiz. Chief Ortiz was absolutely the right Chief hired at the right time. He oversaw the construction of two new fire stations and increased the fire department compliment. Not only has he been a dedicated and committed City employee, he has also been very dedicated to the community serving, on his own personal time, with various organizations in the community. City staff was going to miss him and wished him and his wife, Scottie, well in their retirement.

VOLUNTEER OF THE MONTH
Councilmember Zacarías presented a gift to Jose Baeza, Recreation and Parks Volunteer of the Month for September 2009, for his dedication and hard work at the Paul Nelson Aquatic Center as part of the Junior Lifeguard Program.

PROCLAMATION – NATIONAL PREPAREDNESS MONTH
Councilmember Cordero read a proclamation declaring the month of September 2009 as "National Preparedness Month" in the City of Santa Maria and encouraging all residents and businesses to develop their own emergency preparedness plan. The proclamation was accepted by Fire Battalion Chief Jeff Jones.

PROCLAMATION – SUICIDE PREVENTION MONTH
Councilmember Patino read a proclamation declaring the month of September 2009 as "Suicide Prevention Month" in the City of Santa Maria. The proclamation was accepted by Sarah Adams of the Glendon Association.

PROCLAMATION – CONSTITUTION WEEK
Councilmember Zacarías read a proclamation declaring the week of September 17 - 23, 2009, as "Constitution Week" in the City of Santa Maria and asking all residents to reaffirm the ideals the Framers of the Constitution had in 1787. The proclamation was accepted by Susan Clack, Regent, Captain Henry Sweetser Chapter, NSDAR.

PUBLIC COMMENT
Mark Rademaker spoke against Planned Parenthood and Spearmint Rhino in Santa Maria.

Ernest Armenta spoke to the people who worked in the fields and told them their work was appreciated as was the money they spent in the community. He thanked Judge Iwasko for dismissing the charges against his nephew after he spent eight months in jail.

CONSENT CALENDAR
Councilmember Patino requested Items 3H, 3I, 3J, and 3M be pulled for comment. Mayor Lavagnino also wanted 3H and 3I pulled. Councilmember Zacarías also requested these items be pulled.

Item H – Call for Bids for Federal Stimulus Concrete Projects
Councilmember Patino stated she wanted the people of Santa Maria to know that both Items 3H and 3I were for projects paid for by Federal Stimulus Money, and the money was being used for projects that would put people to work.

Councilmember Zacarías stated that one of the requirements for all Federal Stimulus funding was that it be very open and transparent to the public. She thought it was important that the Council bring it up and publicly state what the funds were being used for.

Mayor Lavagnino read the list of streets that would receive concrete repairs.

Item I – Call for Bids for Stimulus Overlay Project
Mayor Lavagnino read the list of overlay projects that would be funded with the stimulus funds.

Councilmember Patino stated the City did not generally publicize the engineer's estimate since bids were coming in below the engineer's estimate because of the economy.

Item J – Award of Bid for Landfill Concrete Drainage Swale
Councilmember Patino announced that the low bid for this project was $241,930.

Item M – Leakwatch Real-Time Radio Metering Program
Councilmember Patino stated the City received a $600,000 grant for this program. The City was getting all this money because of staff's efforts to apply for the grants.

Consent Calendar Items A through M were approved on motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of September 1, 2009, were approved as submitted.

C. WARRANTS
Warrant Nos. 153228 to 153506 totaling $2,524,268.55 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 152828 and 153145 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. GROWTH MITIGATION ANNUAL REPORT
The City Council received and filed the Growth Mitigation Annual Compliance report.

F. ORDINANCE NO. 2009-21
The City Council conducted the second reading by title only of Ordinance No. 2009-21 amending Santa Maria Municipal Code Chapter 5-6 to eliminate the right of appeal of a nuisance abatement order by the Code Compliance Board to the City Council and adopted the Ordinance.

Ordinance No. 2009-21 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, MODIFYING SECTIONS 5-6.305, 5-6.306, AND 5-6.307 OF THE SANTA MARIA MUNICIPAL CODE, TO ELIMINATE THE RIGHT OF APPEAL OF NUISANCE ABATEMENT ORDERS TO THE CITY COUNCIL.

G. LEASE AGREEMENT FOR ORCUTT BRANCH LIBRARY
Resolution No. 2009-129 was adopted approving the extension of the lease agreement with the Minson Company for the Orcutt Branch Library.

Resolution No. 2009-129 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN EXTENSION OF THE LEASE AGREEMENT BETWEEN THE CITY AND THE MINSON COMPANY FOR THE ORCUTT BRANCH LIBRARY FOR THREE YEARS.

H. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for Federal Stimulus Concrete Project #1 (Broadway), Bid No. 2010/06; Federal Stimulus Concrete Project #2 (Thornburg Street), Bid No. 2010/08; and Federal Stimulus Concrete Project #3 (Taylor Street, San Ysidro Street, Sunrise Drive), Bid No. 2010/09.

I. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for Federal Stimulus Overlay Project #1, Bid No. 2010/05, and Federal Stimulus Overlay Project #2, Bid No. 2010/07.

J. AWARD OF BID
Resolution No. 2009-130 was adopted awarding the bid for Landfill Concrete Drainage Swale, Bid No. 2009/14, and approving an agreement with Southwest General Engineering, Inc.

Resolution No. 2009-130 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH SOUTHWEST GENERAL ENGINEERING, INC., FOR LANDFILL CONCRETE DRAINAGE SWALE, BID NO. 2009/14.

K. ORDINANCE NO. 2009-20
The City Council conducted the second reading by title only of Ordinance No. 2009-20, adding Chapter 8-12A, Storm Water Runoff Pollution Prevention, to the Santa Maria Municipal Code and adopted the Ordinance.

Ordinance No. 2009-20 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 8-12A STORM WATER RUNOFF POLLUTION PREVENTION TO THE CITY OF SANTA MARIA MUNICIPAL CODE.

L. ORDINANCE NO. 2009-22
The City Council introduced Ordinance No. 2009-22 by title only for first reading adding Section 8-10.22.1, Meter Credits, and amending Section 8-10.05.01, State Water Reimbursement Fee, to implement a new 3/4" x 3/4" water meter size and continued the ordinance to the next meeting for second reading and adoption.

M. USBR AGREEMENT
Resolution No. 2009-131 was adopted approving an agreement with the United States Bureau of Reclamation (USBR) CALFED to receive $600,000 in grant funds to implement the Leakwatch Real-Time Radio Metering Program (Fixed-Base), authorizing the Director of Utilities to execute and implement the agreement, and authorizing the Director of Administrative Services to appropriate the grant funds.

Resolution No. 2009-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE BUREAU OF RECLAMATION CALFED GRANT AGREEMENT FOR THE LEAKWATCH REAL-TIME RADIO METERING PROGRAM (FIXED-BASE).

HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM.
Community Programs Manager Coelho-Hudson gave the staff report. The City Council is asked to consider the Block Grants Advisory Committee's recommendation for the allocation of federal funds in the amount of $521,839 under the Homelessness Prevention and Rapid Re-Housing Program (HPRP). On March 6th, the U.S. Department of Housing and Urban Development (HUD) informed the City that it would be eligible to receive $521,839 in Federal funds under the Program. The HPRP was created and funded through the American Recovery and Reinvestment Act of 2009 (Recovery Act). While the HPRP funding is a one-time grant, funding will be distributed over a three-year period. Staff submitted the application for the HPRP funding, and the grant agreement was just received from HUD. The City must obligate funding to its subgrantees by September 30, 2009. The Recovery Act requires that 60 percent of HPRP grant funds be expended within two years of the date of HUD's grant agreement and 100 percent of the funds within three years of that date. HPRP funds must be used for specific housing activities that primarily benefit individuals and families who are at risk of becoming homeless or already are experiencing homelessness. The funds are intended to target those whose income does not exceed 50 percent of the area median income. Eligible activities include: financial assistance, such as rental assistance, security deposits, utility deposits, utility payments, moving costs, and hotel/motel

vouchers; and housing relocation and stabilization services, such as case management, outreach, housing search and placement, legal services, and credit repair. HPRP funds may not be used for mortgage assistance, capital development, emergency shelter operations or long-term, intensive support services.

In keeping with the City's usual process of allocating grant funds in a competitive manner, a Notice of Funding Availability (NOFA) was issued requesting proposals from private, non-profit organizations. A pre-application collaboration workshop was held on August 7th, to meet with potential applicant organizations. Five applications were received. Staff thoroughly analyzed each application to determine the ability of the applicant organization to comply with stringent Federal regulations, accountability standards and reporting requirements for the program. All of the applicants have been deemed to have excellent staff experience and administrative capacity to implement the HPRP activities. Two of the applicants, Cabrillo Economic Development Corporation and Peoples' Self-Help Housing Corporation, are HUD-certified housing counseling agencies.

Staff recommended that priority be given to those agencies providing those "core" services that best meet the intent of the HPRP legislation in assisting individuals and families that are hardest hit by current economic conditions and in need of direct financial assistance. The agencies recommended for priority are Domestic Violence Solutions of Santa Barbara County, Good Samaritan Shelter/Catholic Charities Collaborative and Legal Aid Foundation of Santa Barbara County. These agencies are on the "front lines" of being most accessible to the greatest number of low income target populations in need and experiencing the greatest demands for service. Over 84 percent of the HPRP funding is recommended for allocation to these "core" service agencies. The remaining 13 percent is recommended for allocation to Cabrillo Economic Development Corporation (CEDC) and Peoples' Self-Help Housing Corporation (PSHHC). These agencies will provide supplemental services that are more limited in scope and focus on a smaller portion of the target population. CEDC will assist homeowners facing foreclosure that may be at risk of homelessness as well as those who have lost their homes and need help relocating to a rental unit. PSHHC will provide permanent housing and case management to those homeless individuals and families who will be referred from emergency or transitional shelter living programs.

On August 26th & 27th staff and several Advisory Committee members conducted applicant interviews. Staff presented a recommendation to the Block Grants Advisory Committee at a special deliberations meeting held on August 31st. After considerable discussion and review, the Advisory Committee unanimously approved staff's recommendation with no revisions. The recommendation includes approval of the following agencies and funding allocations: Domestic Violence Solutions of Santa Barbara County - $31,058; Good Samaritan Shelter/Catholic Charities Collaborative - $343,375; Legal Aid Foundation of Santa Barbara County - $65,685; Cabrillo Economic Development Corporation - $41,000; and Peoples' Self-Help Housing Corporation - $27,675. She recognized and thanked the Block Grants Advisory Committee.

Mayor Lavagnino stated he was surprised and could not believe the City could administer this program for the allocated $13,000.

Mayor Lavagnino opened the public hearing.

Yvonne Cudney, Legal Aid Foundation, stated this money was also provided to Santa Barbara County and was allocated to Guadalupe and Lompoc. Santa Maria received its own pot of money. The money would enable Legal Aid Foundation to work closely with Good Samaritan Shelter and Catholic Charities. They were providing legal assistance and credit counseling to people who are in danger of losing their homes. She thanked the Block Grants Advisory Committee and staff for its recommendation.

Sylvia Barnard, Good Samaritan Shelter, thanked the Block Grants Advisory Committee for its hard work. This funding opportunity has enabled these organizations to work together. Good Samaritan Shelter was serving more people than ever before. Many of them were people who had lost their jobs, been evicted, or could not make their rent.

This funding would allow Good Samaritan to keep people in their homes or get people into housing. She thanked staff.

Gabriela Castellanos, Cabrillo Economic Development Corporation, thanked the Council on behalf of Cabrillo and the people they will be able to help. She thanked the Block Grants Advisory Committee and City staff. She explained what services Cabrillo provided.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarías congratulated the organizations for working together to share resources. She asked a question about People's Self Help Housing and what services they would be providing. The number of people to be assisted was only 30; however, their costs for case management were the same as other projects serving many more people.

Community Programs Manager Coehlo-Hudson stated they would be providing case management to those families who were referred to them for permanent housing and would take over case management of those families for an extended period of time to help them remain in permanent housing. The estimate was calculated based on average turn-over in their projects as they would be offering these people slots in their housing projects.

Councilmember Zacarías stated she understood the monies could be used through a third year, and asked if the intention was to complete the program this year as indicated in the report.

Community Programs Manager Coehlo-Hudson explained the contracts would be for a three-year period. They would require each agency to submit a statement of work with a time line of how they would expend the funds and how many people they would be serving. Sixty percent of the funding had to be spent within two years with 100 percent spent in three years.

Councilmember Patino thanked staff and the Committee. She asked what the case management would consist of and if the 30 people would be individuals or families.

Community Programs Manager Coehlo-Hudson stated it would most likely be families. They would have to meet the income criteria and other criteria of the regulations. For example, if the family was already in a shelter or transitional housing, the organizations would have to analyze each case on a case-by-case basis as to what that family needed to be moved into permanent housing and if they would be able to sustain the permanent housing. It might be financial assistance for security deposits or rental assistance. Each case would be unique.

Resolution No. 2009-132 was adopted approving the final allocations for the use of federal funds under the Homelessness Prevention and Rapid Re-Housing Program on motion by Councilmember Zacarias, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-132 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE FINAL ALLOCATIONS FOR THE USE OF FEDERAL FUNDS UNDER THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA.

ALCOHOLIC BEVERAGE LICENSE FOR LA PERLA MARKET AND DELI.
Director of Community Development Appel gave the staff report. The City Council is requested to consider declining to make a finding of public convenience or necessity pertaining to the issuance of an Alcoholic Beverage License for La Perla Market and Deli located at 1138 W. Church Street. La Perla Market is a convenience market, deli and butcher shop located in the PD/C-2 (Planned Development/General Commercial) zoning district, in a newly developed building. The building contains 4,720 square feet of floor area. The property is located on the south side of West Church Street and the east side of Blosser Road. The front of the building faces Blosser Road. The parking lot, which contains 19 parking spaces, has access from Church Street and from the alley south of Church Street. Section 23958 of the Business and Professions Code states that a crime reporting district which exceeds the average number of reported crimes in the City by 20 percent is considered an area of "undue concentration" of crime. This property is located in Crime Reporting District 40. The Police Department states that the area ranks in the top 10 Reporting Districts with the highest concentration of calls for service out of 99 Reporting Districts, and exceeds the threshold identified in Section 23958. Section 23958 states that a census tract which exceeds the ratio of licenses to population in the county is considered an area of "undue concentration" of licenses. This property is located in Census Tract 24.03, which is an area of "undue concentration" of off-sale alcoholic beverage licenses. The Alcoholic Beverage Control Board reports that the number of off-sale licenses authorized in that census tract is 6 and that there are already 10 existing licenses, thus exceeding the ratio specified in Section 23958 and placing the property in an area of undue concentration of licenses.

Section 12-32.03(d)(19) of the Municipal Code states that "convenience stores which sell alcoholic beverages and prepared food intended to be consumed on site or in the vicinity of the store, shall provide one (1) space for each two hundred ten (210) square feet of gross floor area. La Perla Market & Deli is located on a newly developed property with parking proposed and approved for a retail store or convenience store that does not sell the combination of alcoholic beverages and prepared food. The parking provided on the site is one parking space for every 248 square feet of floor area (as compared to one parking space for every 210 square feet of floor area required under Section 12-32.03(d)(19) of the Code as stated above. Four additional parking spaces would be required for the sale of alcoholic beverages. Accordingly, the approval of the alcoholic beverage license would be a violation of the Municipal Code. Section 12-32.07A of the Municipal Code allows certain types of businesses, including retail uses, within the original 4 square miles of the City to intensify, providing 4 of 7 listed improvements are met on the property. However, the City Attorney has determined that this section does not apply to a new development such as this project.

Dave Cross, representative for the applicant, spoke in favor of the alcoholic beverage license. He indicated it was a 4,700 square foot market that Mr. Paniagua built. He tore down an eyesore and invested a lot to do this. He has 20 people on his payroll. To make a profit he needs to be able to sell all the things people expect to buy. Having the ability to sell beer and wine was essential for him to succeed. The vast majority of businesses in the area that sell alcoholic beverages were along the Main Street corridor and were open very late. La Perla Market was different. The people who worked there and shopped there were family-oriented people. La Perla Market closed at 10:00 p.m., so late night purchases would not be possible. He said he talked to Lieutenant Haley about ways to be proactive as a business owner to prevent crime. Mr. Paniagua intended to do those things. He would also work with the Alcoholic Beverage Control Board to train his cashiers under the LEAD program. He asked the Council to make a finding of public convenience and necessity for La Perla Market so Mr. Paniagua could sell beer and wine.

Mr. Paniagua, the applicant, stated he had been farming in Santa Maria for 18 years. He talked to his family and friends about this project, and they asked him why he wanted to waste his money at this time. He believed now was the time to help the community. He depended on weekends to make the business work. People who came to buy meat and vegetables asked if the store sold beer. He had to tell them no and

they didn't come back. He had the responsibility to make this business successful for himself and the people who worked for him.

Gil Rodriguez, PCR Design, stated he wanted to speak in support of Mr. Paniagua. When he originally submitted the plans for City review, they had a table in the deli; but they could not work out the parking so they eliminated the table and made the deli take-out only. Mr. Paniagua paid traffic mitigation fees of $60,000 to build this project so they expected to benefit from that.

Jannet Rios, Future Leaders of America, requested that the City Council uphold the Police Department's recommendation to deny the application for the ABC license. This area of Santa Maria was a high crime area, and the additional license in the neighborhood would compound the problem. They recognized that the new store improved the community by offering a beautiful, new, clean business to an area of the City that very much needed improvement. They wanted to encourage the owner of the business to explore the opportunity to contribute to the neighborhood in more positive and healthy ways by promoting itself as a healthy, family environment. She asked that the Council support the neighborhood, not the business. She submitted a petition against issuing any more alcoholic beverage licenses in the area.

Yolanda Ponce spoke in support of Mr. Paniagua and his family whom she has known for over 20 years. He has worked very hard on this project and deserved this alcoholic beverage license.
Dan Lopez stated he also wanted to support Mr. Paniagua. He commended the Police Department for their investigation and recommendation. He was also opposed to crime; but he supported entrepreneurs and wanted them to succeed. He did not think this grocery store should be put in the same category as liquor stores or places that served alcohol for entertainment. When people go into a grocery store after a hard day of work, they want to be able to buy beer or wine.

Maria Rodriguez stated she was a mother of four children. There was a problem in the community with teenage drinking; however, she wanted to support Mr. Paniagua and his request. The store was built with the utmost care. This market should not be classified the same as liquor stores. Instead of punishing this business, the City should be punishing those businesses that didn't follow the law.

Councilmember Cordero announced he visited the market at the request of Mr. Cross.

Mayor Lavagnino stated he had been on the Council for 13 years and did not think he had ever voted to overrule the Police Department's recommendation on an Alcoholic Beverage Control license. He, too, visited the market. It was an improvement in that area. He could not see penalizing someone for improving the community. That was what the City would be doing if this license was not granted. It was a gorgeous business, clean inside, the people who worked there were very friendly. This was a time when the City needed to encourage the kind of businesses that tear down unsightly buildings and build new buildings and open new businesses. He was going to vote in favor of finding the public convenience.

Councilmember Cordero stated he found the same thing when he visited the market. The chief items of sale there would be food items. He had asked staff to provide some of the high crime statistics. He said he would guess that a lot of the calls for service were confined to liquor stores rather than this type of market. He understood there would only be two cooler doors that would be for beer and wine.

City Manager Ness explained that for each of the 10 addresses that have alcoholic beverage licenses in the area, the Police Department was able to provide the number of calls for service and the types of incidents. Several of them were for 911 disconnects. For example: 603 West Thornburg had 45 calls for service in the last year; 300 S. Blosser had 12; 900 West Main had 54; 501 S. Lincoln had 55; 400 West Main had 68; 822 West Main had 43; 804 West Cook had 88 calls; 1000 West Main had 139; 602 West Main had 8; 1010 West Main had 45; 1125 West Main had 24; and 1131 West

Main had 46 calls for service in the last year. The crime in this area was the 10th highest out of 99 reporting districts in the City.

Councilmember Cordero stated this was more of a market designed to sell food items and the sale of alcohol was more of a convenience. This applicant was asking to be brought up to the same level of service as other markets in the area. He would be in support of the application.

Councilmember Patino stated she also met with Mr. Paniagua and Mr. Cross. She was very impressed with the market and what it has done to the area. She and her husband owned a building on West Main Street, and they had lots of problems with alcohol in the area. She had a hard time penalizing a good business and would like to be able to pull the licenses of some of the other businesses in the area. This business complimented the area. She did not think it was fair to deny Mr. Paniagua the same opportunity as other businesses in the area. She commended Mr. Paniagua for his willingness to be proactive and train his staff. She would support issuance of the alcoholic beverage license.

Councilmember Zacarías stated she was consistent, especially when it came to eliminating opportunities for young people to obtain alcohol. She was very proud of this business and was most proud that it was not going to sell alcohol. The Council in the past had said no to other respectful businesses who had invested a lot. Out of respect for them, she could not, in good faith, support this application.

City Manager Ness stated that several people had asked that this market not be classified like a liquor store. It was not the City that made that classification, it was the Alcoholic Beverage Control Board. They grouped the licenses based on the type of license not the type of business.

Community Development Director Appel provided the City Council with alternate findings to approve the issuance of the alcoholic beverage license. When the project was approved, it received a Planned Development Permit. As part of that process, the number of parking spaces required was determined based on the type of use. At that time, if they had requested the deli and off-site sale of alcohol, it would have triggered the more stringent parking standards. Because of that, they did not include the sale of alcohol at that time. The Planned Development (PD) process did allow for modifications through an amended PD process to address landscaping, setbacks, and parking. He said with a simple application and no fees, the applicant could apply for a revision to the Planned Development Permit with the reduction in parking requirements, and staff would schedule it for the Planning Commission. The Planning Commission would have to make a finding of superior design. If the Planning Commission could make that finding, the requirement for additional parking spaces could be waived.

On motion by Councilmember Cordero, seconded by Councilmember Patino, a finding of public convenience and necessity was made for La Perla Market with the following alternate findings:

1) The property is located in a crime-reporting district that has an undue concentration of crime in the City, based on Section 23958 of the Business and Professions Code. However, since opening, the market has operated a grocery store and deli that has established clientele that regularly shop despite the lack of beer and wine. Approval of the Type 20 permit would provide the opportunity for the general public as well as the established clientele to purchase beer and wine while shopping for other groceries.

2) The property is located in a census tract where the number of existing off-sale liquor licenses already exceeds the number of licenses that would be allowed based on Section 23958 of the Business and Professions Code. However, La Perla Market is now providing a modern grocery store that is benefiting an area of town that is slowly being renovated.

3) The Police Department recommends against making a finding of public convenience or necessity. However, the benefits of the expanded sale items at La Perla Market outweigh the negatives raised by the department.

4) The amount of parking provided does not meet the requirements of Section 32.02(d)(19) of the Municipal Code. However, if the applicant receives approval of an amended Planned Development Permit with the special findings of "superior design," the additional four parking spaces required with the sale of alcohol (plus deli service) would not be required and would then meet the parking requirements.

5) The applicant and his agent have demonstrated public convenience or necessity.

The motion carried on the following vote:

AYES: Councilmembers Cordero, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: Councilmember Orach
ABSTAIN: None

ALCOHOLIC BEVERAGE LICENSE FOR A J GROCERY EXPRESS.
Director of Community Development Appel gave the staff report. The City Council is requested to consider declining to make a finding of public convenience or necessity pertaining to the upgrading of an Alcoholic Beverage License (Type 21 - off sale beer, wine & spirits) for A J Grocery Express located at 101 North Depot Street, Suite A. A J Grocery Express is a convenience market located in the PD/C-2 (Planned Development/General Commercial) zoning district. The market has been in existence under the current ownership since 2001. The property is located in a small shopping center on the west side of North Depot Street, at the northwest corner of Depot and Main Streets. Other businesses in the Center are another convenience market, a laundromat, and a restaurant.

Section 23958 of the Business and Professions Code states that a crime reporting district which exceeds the average number of reported crimes in the City by 20 percent is considered an area of "undue concentration" of crime. This property is located in Crime Reporting District 32. The Police Department states that the area ranks in the top three Reporting Districts with the highest concentration of calls for service out of 99 Reporting Districts, and exceeds the threshold identified in Section 23958. Further, the Department states that this Reporting District had the highest number of alcohol related offenses of any District during the year 2008, and that the location of 101 North Depot has had a substantial number of calls for service, most of which have been incidents of public intoxication. Other offenses have been drunk drivers, disorderly conduct/fighting, drug-related violations, thefts, verbal altercations, subjects urinating in public, and loitering. The Department's position is that it is only reasonable to expect that this type of activity, particularly public intoxication, would actually increase if A J Grocery Express were to begin selling distilled spirits. Section 23958 also states that a census tract which exceeds the ratio of licenses to population in the county is considered an area of undue concentration of licenses. This property is located in Census Tract 23.04, which is an area of "undue concentration" of off-sale alcoholic beverage licenses. The Alcoholic Beverage Control Board reports that the number of off-sale licenses authorized in that census tract is 6 and that there are 6 existing licenses. The Census Tract is not an area of undue concentration of licenses. The number of licenses would remain the same if the existing license was cancelled, which is the applicant's proposal. However, the currently proposed upgrade in type of license would exceed the threshold if the existing license was not cancelled concurrently with issuance of the new license.

Anahi Mendoza, Future Leaders of America (FLA), asked the Council to deny the request to reduce the instance of underage drinking violence. FLA conducted assessments of local markets and convenience stores to determine their compliance with ABC recommendations and guidelines. A J Market was one of the stores that was assessed. They scored 69/100 possible points in June 2006. After presenting the market with a list of recommendations, a reassessment was conducted in November 2006. The score improved to 74/100. Following the last assessment conducted in

November 2007, the score fell to 58/100. In 2008, there were over 100 calls to A J Market alone. She said adding a new license would only compound the problem in the area. She presented the Council with a copy of the assessment findings and asked that the Council deny the license.

Mayor Lavagnino stated this was a totally different situation than the previous item as it would allow the sale of hard liquor, and this market ranked in the top three for calls for service. He would support staff's recommendation.

Councilmember Cordero agreed this was a different situation. The Police Department was constantly called to this location for public intoxication. He would also support staff's recommendation.

Councilmember Zacarias stated that a shot of alcohol was the same as one beer. The affects of alcohol were the same. To her it was very much like what the Council just approved. There was not any alcohol difference.

Councilmember Patino stated it was legal to sell alcohol. The environment with this store was so much different than La Perla Market and Deli. They already sell beer and wine and were asking to upgrade to sell hard liquor. She would vote to deny the request.

Councilmember Zacarias moved to not make a finding of public convenience and necessity for A J Grocery Express. Councilmember Patino seconded the motion, and it carried on the following vote:

AYES:	Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

INTERMODAL TRANSIT CENTER

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to consider a request to grant approval to call for bids on the plans and specifications for Intermodal Transit Center, Bid No. 2010/03. In February 2008, the City of Santa Maria acquired a 3.82 acre parcel from the La Brea Land Company for $3,494,383.00 for the future site of the City's new Transit Center. The future site located at the southeast corner of Miller Street and Boone Street will provide an improvement over the current location in accessibility for both transit buses and pedestrians. On September 9, 2008, the Transit Division held a public workshop to obtain comments from the general public. Public input was received and incorporated into the Transit Center's plans by contract architect bfgc Architects. During the process of design, additional improvements were also incorporated into the Transit Center plans such as a park and ride location on the easterly portion of the property and a pedestrian trail along the southerly boundary. On April 1, 2009, the Planning Commission approved a conditional use permit for the Transit Center.

The project will consist of a 2,410 SF transit center building and sixteen bays to accommodate urban transit buses for Santa Maria Area Transit (SMAT) (municipal bus service), The Breeze (intercity service), Guadalupe Flyer (regional intercommunity service), and SLORTA (regional service). The facility will also include two bays to accommodate over-the-road commuter buses for the Clean Air Express (regional commuter service). The transit center will include the following amenities: landscaped outdoor waiting areas; vending machines; indoor waiting areas with seating; restrooms; bicycle lockers; bus operations office; driver lounge; pass sales kiosk; snack shop; taxi stand; kiss-n-ride area; easy pedestrian access; and limited short-term parking. A traffic signal is proposed at the intersection of Miller Street and Boone Street. The traffic signal is proposed to improve the efficiency of transit and vehicular traffic and improve pedestrian safety within the vicinity of the transit center. Drainage improvements are also proposed to address drainage issues at the intersection of Miller Street and Boone Street.

Councilmember Cordero commended staff for the project and asked what the kiss-n-ride area was.

Director Whitehead explained that it would be an area to stop for a short time, kiss your spouse, and let your spouse out of the car to catch the bus.

Councilmember Patino asked how long the short-term parking would be.

Director Whitehead stated they did not want people parking there overnight so it would probably be about 2 hours.

On motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Council gave approval to call for bids on the plans and specifications for the Intermodal Transit Center, Bid No. 2010/03.

CITY MANAGER'S REPORT
City Manager Ness reported on items anticipated for the October 6, 2009, City Council meeting including a public hearing for the General Plan Amendment and Zone Change for Fire Station No. 5, and several proclamations.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Zacarias reported she attended the Law Enforcement Appreciation Dinner at the Elks on September 2nd, the American GI forum scholarship presentation on September 5th, the Labor Day picnic on September 7th, the Santa Barbara Childcare Planning Council meeting, and two Fiesta Patrias celebrations at the Santa Maria Speedway and in Santa Maria on September 11th.

Mayor Lavagnino reported he spoke to the Retired Teachers Association at the Elks and attended the Law Enforcement Appreciation Dinner on September 2nd; hosted the KSMA Radio Show with Denise Motter and attended the Mayors' luncheon in Buellton on September 4th; participated in a photo opportunity for the new Marian Hospital with Lynette Muscio on September 8th; attended the Quarterly Schools meeting at Allan Hancock College and a Conoco Phillips update on September 9th; attended the SBCAG Executive Committee meeting in Buellton on September 10th; the 911 Memorial at Fire Station No. 1, a KSMA radio show, a 911 Salute to first responders, and Fiesta Patrias on September 11th, did the KUHL radio show with Ben Heighes and attended the grand opening of the Fairpark new administration building on September 15th. He also visited with Curtis Tunnel, Sr. today who is 99 years old.

Councilmember Patino reported she attended the Law Enforcement Appreciation Dinner at the Elks on September 2nd, the Conoco Phillips meeting on September 9th, Fire Station No. 1 911 Memorial on September 11th, was out of town for several days, and attended the Board of Supervisors Ag reception on September 15th.

Councilmember Cordero reported he also attended the Law Enforcement Appreciation Dinner at the Elks and a SBCAG subcommittee meeting on September 2nd, the Landmark Committee meeting and the Parks and Recreation Commission meeting on September 8th, a Highway 166 Safety meeting and Conoco Phillips update, and the Peace Week committee meeting on September 9th, the Back-A-Youth Night at the Boys and Girls Club on September 10th, and a golf tournament put on by the Statewide Narcotics Association for narcotics officers held in honor of Mark Riddering on September 11th.

CLOSED SESSION

The City Council recessed to a Closed Session at 8:40 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9 for Orcutt Citizens for Better Environment v. City of Santa Maria, Case No. 1314150; Santa Maria Police Officers Association v. City of Santa Maria, Case No. 1316392; Jose Betancourt v. City of Santa Maria, et. al, Case No. 1273966; Javier Bravo Sr., et al, v. City of Santa Maria, et al., Case No. CV-06-06851; and Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code - Agency Representative: Assistant City Manager - Employee Organizations: Santa Maria Police Officers Association (SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

Following the Closed Session, the following report was given:

Conference with Legal Counsel – Orcutt Citizens for Better Environment v. City of Santa Maria – Status report was given with no action taken.

Conference with Legal Counsel – Santa Maria Police Officers Association v. City of Santa Maria – Direction to staff was given.

Conference with Legal Counsel – Jose Betancourt v. City of Santa Maria, et al. – Direction to staff was given.

Conference with Legal Counsel – Javier Bravo Sr., et al. v. City of Santa Maria, et al. – Status report was given with no action taken.

Conference with Labor Negotiators – SMPOA, SEIU, Fire Fighters Local 2020, Public Safety Managers, and Non-represented Management and Confidential Employees Group – Direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 10:05 p.m.

APPROVED

October 6, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria